

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WHEELING DIVISION

LOIS WOODS AND MICHAEL WOODS,

Plaintiffs,

v.

Civil Action No.: 5:18-cv-000150
Hon. Frederick P. Stamp

WAL-MART STORES, INC. COTT CORPORATION,
COTT BEVERAGES, INC. REFRESCO GROUP, N.V.,
AND REFRESCO BEVERAGES US, INC.,

Defendants.

**AGREED ORDER OF VOLUNTARY DISMISSAL
OF WAL-MART STORES, INC.**

On this day, came the Plaintiffs, Lois Woods and Michael Woods, by counsel, Patrick E. McFarland, and came the Defendant, Wal-Mart Stores, Inc., by counsel, Heather M. Noel, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and represented to the Court that the Plaintiffs do hereby agree and stipulate to voluntarily dismiss any and all claims against the Defendant, Wal-Mart Stores, Inc., only, without prejudice, with each party bearing their own costs and attorneys' fees in connection with the prosecution and defense of this matter. There being no objection thereto, it is accordingly **ORDERED** that Wal-Mart Stores, Inc., be and is hereby dismissed without prejudice from this action. Further, it is **ORDERED** that Wal-Mart Stores, Inc., shall be removed from the style of this case. Further, it is **ORDERED** that should evidence reveal the existence of a claim against Wal-Mart Stores, Inc., any party will be permitted to file a motion to amend to join Wal-Mart Stores, Inc. and neither the statute of limitations applicable to F.R.C.P. Rule 41, nor any other time bar defense, shall be invoked as to the joinder of such party, to the extent that the time bar defense did not exist as of the signing of this Order. Counsel for Wal-Mart Stores, Inc. also agrees to accept service should Wal-Mart Stores, Inc. be re-joined in this matter.

It is further **ORDERED** that the Clerk send a certified copy of this Order to all counsel of record.

ENTER: This 26th day of November, 2018.

/s/ Frederick P. Stamp, Jr.
JUDGE FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE

AGREED TO BY:

/s/ Patrick E. McFarland
Patrick E. McFarland, Esq.
Patrick E. McFarland, P.L.L.C.
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Counsel for Plaintiff

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*Counsel for Cott Corporation, Cott Beverages Inc.,
Refresco Group N.V., and Refresco Beverages US Inc.*

/s/ Heather M. Noel
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